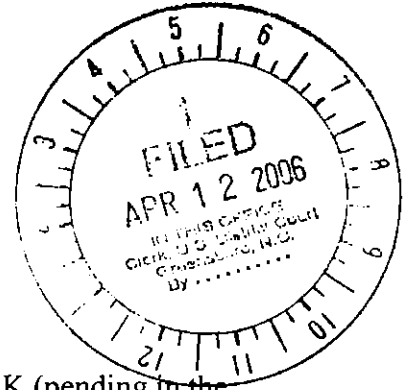


UNITED STATES DISTRICT COURT FOR
THE MIDDLE DISTRICT OF NORTH CAROLINA
Misc. No. 1:06 MC 46



THE SCO GROUP, INC.,

Plaintiff/Counterclaim-Defendant,

v.

INTERNATIONAL BUSINESS
MACHINES CORPORATION,

Defendant/Counterclaim-Plaintiff.

Case No. 2:03CV0294DAK (pending in the
District Court of Utah before Judge Dale A.
Kimball)

MOTION TO EXPEDITE BRIEFING SCHEDULE

Now comes Plaintiff, The SCO Group, Inc. ("SCO"), and moves this Court to expedite the briefing schedule and any hearing related to SCO's Motion to Enforce Subpoena and Compel Deposition of Non-Party Otis Wilson. In support of its Motion, SCO shows the Court the following:

1. At the same time it filed this Motion, SCO filed a Motion to Enforce Subpoena and Compel the Deposition of Non-Party Otis Wilson.
2. The Motion to Enforce Subpoena and Compel Deposition, as more fully set forth in that document and in the contemporaneously filed Memorandum of Law, relates to enforcement of a subpoena for deposition that was served on Mr. Wilson on 19 January 2006 for a deposition noticed for 27 January 2006.
3. Mr. Wilson's deposition testimony is sought by SCO in conjunction with litigation that is pending in the United States District Court for the District of Utah, *The SCO Group, Inc. v. International Business Machines, Inc.*, Case No. 2:03CV0294DAK (the "Utah litigation").

4. The parties agreed that Mr. Wilson's deposition would not take place on 27 January 2006, and further agreed that Mr. Wilson remained under subpoena and that the deposition would take place during February 2006.

5. To date, Mr. Wilson has not been deposed pursuant to the January subpoena.

6. For the past two months, Counsel for SCO has engaged in phone conversations and correspondence with counsel for IBM and counsel for Mr. Wilson regarding the scheduling of Mr. Wilson's deposition pursuant to the January subpoena.

7. Fact discovery in the Utah litigation has closed, but the parties have stipulated to permit each other to pursue (including by Motion) certain limited discovery, including the deposition of Mr. Wilson.

8. Moreover, by stipulation of the parties, summary judgment motions and briefs in the Utah litigation must be submitted by August 4, 2006.

9. In addition, the parties' expert reports are due on May 12, 2006, and Mr. Wilson's testimony relates to certain expert issues.

10. SCO therefore asks that Mr. Wilson and/or IBM be required to file a Response Brief, if any, by 19 April 2006 and that SCO be required to file a Reply Brief, if any, by 24 April 2006.

WHEREFORE, SCO moves the Court for entry of an Order establishing an expedited briefing schedule and hearing for SCO's Motion to Enforce Subpoena and Compel Deposition.

This the 12th day of April, 2006.

Robert R. Marcus by HHW

Robert R. Marcus
N.C. State Bar No. 20041
Heather H. Wright
N.C. State Bar No. 28874

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Attorneys for The SCO Group, Inc.

CERTIFICATE OF SERVICE

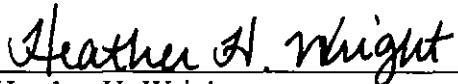
The SCO Group, Inc. hereby certifies that a true and correct copy of the foregoing was served by facsimile and first-class mail on International Business Machines Corporation and counsel for Otis Wilson as follows:

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This the 12th day of April, 2006.



Heather H. Wright